

**TRANSPORTATION DEPARTMENT[761]**

**Notice of Intended Action**

**Proposing rule making related to parent-taught driver education and providing an opportunity for public comment**

The Transportation Department hereby proposes to amend Chapter 634, “Driver Education,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 321.178A.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 321.178 and 321.178A; 2021 Iowa Acts, House File 380; and 2021 Iowa Acts, Senate File 546.

*Purpose and Summary*

This proposed rule making updates Chapter 634 to conform the rules with 2021 Iowa Acts, Senate File 546, sections 9 through 15, and 2021 Iowa Acts, House File 380, sections 1 and 2.

Senate File 546 expands the parent-taught driver education program to any student currently attending a public school or accredited nonpublic school or who is receiving home school education under Iowa Code chapter 299A. Prior to the legislative change, only students receiving home school instruction were eligible for the parent-taught driver education program. These proposed amendments align with the legislative changes removing the requirement for an approved parent-taught driver education course to include 30 clock hours of classroom instruction and reducing the behind-the-wheel driving instruction time from 40 hours to 30 hours. The proposed amendments conform with the legislative changes eliminating the required number of hours and minutes of instruction an approved course must include on the topics of substance abuse, distracted driving, and railroad crossing safety, although each of those subject areas must still be included in an approved course. Finally, the proposed amendments adopt the legislative changes prohibiting the Department from requiring a preapproval or application process before a parent and student choose to begin a parent-taught driver education program.

House File 380 adds distracted driving as a required topic of instruction for any driver education course, and the proposed amendments incorporate that new topic area into the rules. Most driver education courses already included instruction on distracted driving, but this legislative change ensures the topic will be covered by every instructor.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa beyond any impact anticipated by the legislation.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

### *Public Comment*

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on October 12, 2021. Comments should be directed to:

Tracy George  
Department of Transportation  
DOT Rules Administrator, Government and Community Relations  
800 Lincoln Way  
Ames, Iowa 50010  
Email: [tracy.george@iowadot.us](mailto:tracy.george@iowadot.us)

### *Public Hearing*

If requested, a public hearing to hear oral presentations will be held on October 14, 2021, via conference call at 9 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on October 12, 2021, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George, the Department's rules administrator, and advise of specific needs.

The public hearing will be canceled without further notice if no oral presentation is requested.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 761—634.1(321) as follows:

**761—634.1(321) Information and location.** Applications, forms and information regarding this chapter are available by mail from the ~~Driver and Identification Services Bureau~~ Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at (515)244-8725; by facsimile at (515)239-1837; or on the department's website at [www.iowadot.gov](http://www.iowadot.gov).

ITEM 2. Amend rule 761—634.11(321) as follows:

**761—634.11(321) Driver education—teaching parent.** As an alternative to a driver education course offered by a course provider approved under rule 761—634.4(321), a teaching parent may instruct a student in an approved course of driver education.

**634.11(1) Definitions.** As used in this rule:

“*Approved course*” means a driver education curriculum approved by the department that meets the requirements of Iowa Code section 321.178A and is appropriate for teaching-parent-directed driver education and related behind-the-wheel instruction.

“*Clear driving record*” means the person currently and during the prior two-year period has not been identified as a candidate for suspension or revocation of a driver's license under the habitual offender

or habitual violator provisions of rule 761—615.9(321) or rule 761—615.13(321); is not subject to a driver’s license suspension, revocation, denial, cancellation, disqualification, or bar; and has no record of a conviction for a moving traffic violation determined to be the cause of a motor vehicle accident.

“*Course vendor*” means a third-party vendor that makes available commercially an approved course.

“*Student*” means a person between the ages of 14 and 21 years who is within the custody and control of the teaching parent and who holds a valid Iowa noncommercial instruction permit.

“*Teaching parent*” means the same as defined in Iowa Code section 321.178A as amended by 2021 Iowa Acts, Senate File 546, section 10.

**634.11(2) *Application to serve as a teaching parent.***

~~a.—A person who wishes to provide driver education as a teaching parent to a student shall submit an application on a form provided by the department to the driver and identification services bureau.~~

~~b.—The department shall review the application and shall deny the application for any of the following reasons:~~

~~(1) The person does not meet the qualifications to serve as a teaching parent set forth in Iowa Code section 321.178A.~~

~~(2) The person does not have a clear driving record.~~

~~(3) The application does not properly identify a student eligible to be instructed in driver education by the person.~~

~~(4) The department has determined the application should be rejected for any reason listed in Iowa Code section 321.13.~~

~~e.—If the application is denied, the department shall issue a letter of denial to the person explaining the reason or reasons for the denial.~~

~~d.—If the application is approved, the department shall issue a letter of approval to the person to serve as a teaching parent for the student identified in the application.~~

**634.11(3) *Instruction by a teaching parent.***

~~a. A person approved to serve as a teaching parent shall instruct the student using an approved course.~~

~~b. No change.~~

~~c. No person shall provide driver education as a teaching parent unless approved by the department the person meets the definition of a teaching parent, and the department shall not recognize driver education that was:~~

~~(1) Provided by a person who is not approved as does not meet the definition of a teaching parent.~~

~~(2) and (3) No change.~~

**634.11(4) *Course completion—certificate of completion.***

~~a. Upon the student’s completion of an approved course, the teaching parent shall apply for a certificate of completion on behalf of the student. The teaching parent shall provide evidence showing the student’s completion of an approved course and substantial compliance with the requirements of Iowa Code section 321.178A, by affidavit signed by the teaching parent on a form provided by the department. The teaching parent shall include with the application all documentation, statements, certifications, and logs required by Iowa Code section 321.178A. The application and all required documentation, statements, certifications, and logs shall be submitted to the driver and identification services bureau motor vehicle division.~~

~~b. The department shall review the application and evidence submitted and shall deny certification of completion if:~~

~~(1) The course was not conducted by a person approved by the department to serve as meeting the definition of a teaching parent for the student for whom certification is sought.~~

~~(2) to (5) No change.~~

~~c. and d. No change.~~

**634.11(5) *Course approval.***

~~a. A For a course to become an approved course under Iowa Code section 321.178A, a vendor that wishes to offer of a driver education curriculum as an approved course in Iowa shall submit an application on a form provided by the department to the driver and identification services bureau motor vehicle~~

division, along with a copy of all proposed curriculum materials. A vendor ~~that wishes to offer~~ offering an electronic curriculum may provide a uniform resource locator (URL) for the proposed electronic materials ~~but must also provide physical copies of the proposed materials.~~

b. to d. No change.

ITEM 3. Amend **761—Chapter 634**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 321.178, as amended by 2021 Iowa Acts, House File 380, section 1, and Senate File 546, section 9; 321.178A, as amended by 2021 Iowa Acts, House File 380, section 2, and Senate File 546, sections 10 to 15; 321.180B and 321.194.

ITEM 4. Amend the appendix to rule **761—634.11(321)** as follows:

#### Appendix to Rule 761—634.11(321)

To be designated as an approved course, a curriculum must, at a minimum, meet the requirements of Iowa Code section 321.178A, be appropriate for teaching-parent-directed driver education and related street or highway instruction, and meet or exceed the required content listed below:

1. *Duration and required content.* The course must provide for both classroom and behind-the-wheel instruction. As used in this rule, “*classroom instruction*” means instruction provided by a teaching parent in a private setting using printed or electronic course materials, and “*behind-the-wheel instruction*” means street or highway driving instruction provided by a teaching parent or a person who is qualified to provide street or highway driving instruction pursuant to Iowa Code section 321.178 in a motor vehicle operated by the student.
  - a. Classroom instruction ~~shall consist of at least 30 clock hours of classroom instruction and shall include all of the following:~~
    - i. ~~Four hours of instruction~~ Instruction concerning distracted driving and substance abuse.
    - ii. ~~A minimum of 20 minutes of instruction~~ Instruction concerning railroad crossing safety.
    - iii. Instruction relating to becoming an organ donor under the revised uniform anatomical gift Act as provided in Iowa Code chapter 142C.
    - iv. Instruction providing awareness about sharing the road with pedestrians, bicycles and motorcycles.
  - b. Behind-the-wheel instruction shall consist of at least 40 hours of street or highway driving including 4 hours of driving after sunset and before sunrise while accompanied by the teaching parent or a person who is qualified to provide street or highway driving instruction pursuant to Iowa Code section 321.178.
2. *Required topics.* The course may follow any format the vendor determines, provided all of the following topics are properly and adequately covered, as detailed in the course application form provided by the department:
  - a. Traffic law – *classroom instruction*
    - i. Introduction to driver education and driving laws and privileges.
    - ii. Understanding your license to drive.
    - iii. Right-of-way.
    - iv. Traffic control devices.
    - v. Controlling traffic flow.
    - vi. Alcohol and other drugs.
    - vii. Cooperating with other roadway users.
  - b. Driver preparation – *classroom and behind-the-wheel instruction*
    - i. Pre-drive tasks.

- ii. Occupant protection.
- iii. Symbols and devices.
- iv. Starting tasks.
- v. Vehicle operation and control tasks.
- vi. Post-drive tasks.
- vii. In-car progress assessment.
- viii. Driving plan (*classroom instruction*).
- c. Vehicle movements – *classroom and behind-the-wheel instruction*
  - i. Visual attention, mental attention and communication.
  - ii. Reference points.
  - iii. Vehicle balance.
  - iv. Vehicle maneuvers.
  - v. In-car progress assessment (*behind-the-wheel instruction*).
- d. Driver readiness – *classroom and behind-the-wheel instruction*
  - i. Driving practices.
  - ii. Fatigue.
  - iii. Aggressive driving.
  - iv. In-car progress assessment (*behind-the-wheel instruction*).
- e. Risk reduction – *classroom and behind-the-wheel instruction*
  - i. Risk factors.
  - ii. Space management.
  - iii. In-car progress assessment (*behind-the-wheel instruction*).
- f. Environmental factors – *classroom and behind-the-wheel instruction*
  - i. Environmental characteristics.
  - ii. Environmental risk factors.
  - iii. In-car progress assessment (*behind-the-wheel instruction*).
- g. Distractions – *classroom and behind-the-wheel instruction*
  - i. Distractions.
  - ii. Multi-task performances.
  - iii. In-car progress assessment (*behind-the-wheel instruction*).
- h. Alcohol and other drugs – *classroom instruction*
  - i. Introduction of alcohol and other drug problems.
  - ii. Nature of alcohol-related crash problems.
  - iii. Physiological effects of alcohol.
  - iv. Psychological effects of alcohol.
  - v. Other drug effects on the driving task.
  - vi. Zero-tolerance in the driving environment.
- i. Vehicle movement and reference points – *behind-the-wheel instruction*
  - i. Vehicle movements and reference points (entering and exiting traffic and parking).
  - ii. In-car progress assessment (*behind-the-wheel instruction*).
- j. Adverse conditions – *classroom instruction*
  - i. Adverse weather and reduced visibility conditions.

- ii. Traction loss.
- iii. Emergencies.
- k. Vehicle requirements – *classroom and behind-the-wheel instruction*
  - i. Vehicle malfunctions (*classroom instruction*).
  - ii. Vehicle maintenance (*classroom instruction*).
  - iii. Trip planning (*classroom instruction*).
  - iv. Adverse conditions and vehicle requirements – off-street simulated practice (*behind-the-wheel instruction*).
  - v. In-car progress assessments (*behind-the-wheel instruction*).
- l. Consumer responsibility – *classroom and behind-the-wheel instruction*
  - i. Vehicle use and ownership (*classroom instruction*).
  - ii. Vehicle insurance (*classroom instruction*).
  - iii. Environmental protection and litter prevention (*classroom instruction*).
  - iv. Anatomical gift Act – organ donor (*classroom instruction*).
  - v. Trip planning (*behind-the-wheel instruction*).
  - vi. In-car progress assessment (*behind-the-wheel instruction*).
- m. Personal responsibility (*classroom and behind-the-wheel instruction*).
  - i. Comprehensive classroom progress assessment (testing) (*classroom instruction*).
  - ii. Driver licensing (*classroom instruction*).
  - iii. In-car progress assessment (*behind-the-wheel instruction*).